

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2008-7048

ALICE W. JOHNSON,

Claimant-Appellant,

v.

JAMES B. PEAKE, M.D., Secretary of Veterans Affairs,

Respondent-Appellee.

Alice W. Johnson, of Miami, Florida, pro se.

David F. D'Alessandris, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, for respondent-appellee. With him on the brief were Jeffrey S. Bucholtz, Acting Assistant Attorney General; Jeanne E. Davidson, Director; and Kirk T. Manhardt, Assistant Director. Of counsel on the brief were Michael J. Timinski, Deputy Assistant General Counsel, and Y. Ken Lee, Attorney, Office of the General Counsel, United States Department of Veterans Affairs, of Washington, DC.

Appealed from: United States Court of Appeals for Veterans Claims

Judge Donald L. Ivers

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2008-7048

ALICE W. JOHNSON,

Claimant-Appellant,

v.

JAMES B. PEAKE, M.D., Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in 06-1947, Judge Donald L. Ivers.

---

DECIDED: June 9, 2008

---

Before MAYER, SCHALL and LINN, Circuit Judges.

PER CURIAM.

Alice W. Johnson appeals the judgment of the United States Court of Appeals for Veterans Claims, which affirmed the Board of Veterans' Appeals decision dismissing her claims that prior board decisions dated November 1982, February 1986, and December 1986 should be revised due to clear and unmistakable error. Johnson v. Mansfield, No. 06-1947 (Vet. App. Nov. 28, 2007). Johnson disagrees with how factual evidence related to the onset of her deceased husband's multiple sclerosis was weighed by the Veterans Court and the board. Because we lack authority to review either "a challenge to a factual determination" or "a challenge to a law or regulation as

applied to the facts of a particular case” absent a constitutional issue, 38 U.S.C. § 7292(d)(2), we dismiss the appeal.